HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 837(S/S)2004

Mahendra Singh Yadav, Asstt. Teacher,
Purva Madhyamik Vidyalaya, Patrani,
District Nainital and four others. ….Petitioner.

Vs.

Joint Director of Education (Basic),
Kumoun Division, Nainital,
And three others. ….Respondents.

Sri S.S. Yadav, learned counsel for the petitioners.
Sri. H.M. Raturi, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned counsel for the petitioners and Sri H.M. Raturi, learned counsel for the respondent.

By means of this petition, the petitioners, who are Assistant Teacher in Basic School Patrani and Kaunta in the district Nainital, have prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh Nagar from district Nainital on the vacant post of Assistant Teacher.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondent no. 2 has prepared a list in which names of the petitioner are at serial nos. 56,57,59,37 and 70 respectively. The petitioners have made representation several times before the authority concerned to relieve them for the district on the representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Direction of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic School, the authority who is In-charge of the Basic Schools of

the Region, shall decide the representation moved by the petitioners within a period of four weeks from the dated of receipt of a certified copy of this order. The petitioners are directed to place the copy of this order alongwith their representation before the Joint Director of Education Basic Kumaon Region, Nainital/ In-charge Regional Basic Schools Kumaun Mandal within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 23, 2004:
NCM: